

Monique Grimes v. Trooper Mark Bessner and Trooper John Doe
USDC-ED of Mich No. 2:17-cv-12860; Judge Gershwin A. Drain

EXHIBIT 3

***Affidavit of Wayne County Assistant Prosecuting
Attorney Matthew H. Penney***

Affidavit of Matthew H. Penney

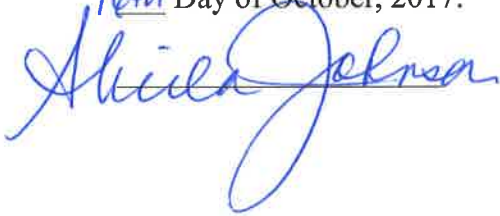
1. I am an attorney, in good standing, licensed to practice law in the State of Michigan.
2. I am currently employed as an Assistant Wayne County Prosecuting Attorney.
3. In my capacity as an assistant prosecutor, one of my principal duties is to assist police agencies with ongoing criminal investigations.
4. I have been assigned to assist the Michigan State Police and Detroit Police Department in the investigation into the death of Damon Grimes on August 26, 2017 and its surrounding circumstances. This matter is a pending potential criminal prosecution.
5. On August 26, 2017, Damon Grimes was riding an ATV when he was pursued by MSP personnel. During the chase, Mr. Grimes crashed into the back of a parked vehicle. He died shortly thereafter.
6. The investigation into the circumstances of the chase, death, officer action, and subsequent investigation of the entire matter is being conducted by the Michigan State Police and other agencies.
7. The statements and reports of the civilian and police witnesses contain information which, if released to the public, would be harmful to the ongoing investigation and criminal proceedings. Specifically, the witness statements and reports provide, in detail, the circumstances of both the chase and the subsequent investigation. Further, video evidence from the scene is highly relevant not just for what may show, but also for what it may not show, given the investigation's scope.
8. If this evidence were released prior to the conclusion of the investigation it would adversely affect the investigation and any possible future prosecution. It would affect future jury members, if a jury were required. It would also impact witnesses and their potential testimony, all to the detriment of a full, fair, and unbiased investigation.
9. For these reasons, the release of any records at this time would be harmful to the ongoing investigation and any subsequent prosecution or prosecutions.

10. I have read this affidavit, and the facts contained herein are true to the best of my knowledge and belief.



Matthew H. Penney
Assistant Prosecuting Attorney
Wayne County Prosecutor's Office
1441 St. Antoine
Detroit, MI 48226
313-224-5816

Sworn to before me this
16th Day of October, 2017.



SHEILA JOHNSON
Notary Public, State of Michigan
County of Macomb
My Commission Expires Sep. 21, 2023
Acting in the County of Wayne